

House Resolution 527

By: Representative Levitas of the 82nd

A RESOLUTION

1 Proposing an amendment to the Constitution, so as to allow any unreasonable portion of a
2 restrictive covenant in an employment agreement to be modified by a court without causing
3 the entire provision to be unlawful and void; to provide for the submission of this amendment
4 for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6
7 Article III, Section VI of the Constitution is amended by revising subsection (c) of
8 Paragraph V as follows:

9 "(c) The General Assembly shall not have the power to authorize any contract or
10 agreement which may have the effect of or which is intended to have the effect of defeating
11 or lessening competition, or encouraging a monopoly, which are hereby declared to be
12 unlawful and void. However, any unreasonable portion of a restrictive covenant in an
13 employment agreement may be modified by a court without causing the entire provision
14 to be unlawful and void."

SECTION 2.

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16 The above proposed amendment to the Constitution shall be published and submitted as
17 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
18 above proposed amendment shall have written or printed thereon the following:

19 "() YES Shall the Constitution of Georgia be amended so as to allow courts to
20 () NO modify unreasonable portions of certain employment agreements?"

21 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
22 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
23 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
24 become a part of the Constitution of this state.